

**Enrolled Minutes of the Eighty-Ninth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, August 08, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 08, 2011 at 6:39 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper, and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the whether the awarding of the bids for the Woodward Avenue Reconstruction Project should be delayed until next year.
3. The Town Council inquired about a filed accounts payable docket vendor for flourescent light fixture repair for the Fire Department performed by Duane's Electric, Incorporated.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 08, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Council President Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Commander George Georgeff, Metropolitan Police Department; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

**Also Present:** Ed Dabrowski, IT Director; Dawn Wolak of the Community Events Commission; and PeggyGlennie of the Select Centennial Commission were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 25 July 2011 were approved by general consent.

**Staff Reports:** The Council received the following reports as information for the record:

**• Building & Inspection Report for July 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	4	0	4	\$164,76.00	\$2,437.00

Signs:	8	0	8	\$55,210.00	\$2,164.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex / Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	1	1	0	\$40,000.00	\$672.00
Residential Remodeling:	66	66	0	\$401,673.00	\$7,190.50
Garages:	1	1	0	\$15,000.00	\$360.50
Sheds:	3	3	0	\$2,029.00	\$351.00
Decks & Porches:	7	7	0	\$10,559.00	\$1,170.00
Fences	9	8	1	\$29,811.00	\$932.00
Swimming pools:	6	6	0		\$438.00
Drain Tile / Waterproofing	6	6	0	\$31,540.00	\$757.00
Misc. Apt Bldg Fire restoration / 1 garage razed	2	2	0	\$1,000,000.00	\$11,250.50
<b>Total:</b>	<b>113</b>	<b>100</b>	<b>13</b>	<b>\$1,750,588.00</b>	<b>\$27,723.00</b>
<b>Electrical Permits</b>	<b>22</b>	<b>16</b>	<b>6</b>		<b>\$2,270.00</b>
<b>Mechanical Permits</b>	<b>8</b>	<b>8</b>	<b>0</b>		<b>\$667.00</b>
<b>Plumbing Permits</b>	<b>12</b>	<b>9</b>	<b>3</b>		<b>\$2,056.05</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Total Plumbing Permits:</b>	<b>12</b>	<b>9</b>	<b>3</b>		<b>\$2,056.05</b>

**July Code Enforcement:**

Warnings: 190  
Citations: 19

**July Inspections:**

Building: 58      Electrical: 54      Plumbing: 16      Electrical Exams: 3

**• Workplace Safety Report for July 2011**

There were three incidents in July. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	0	25	3
Fire	0	0	2	0	0	0	0
Police	0	2	9	0	0	39	23
Street	1	5	1	2	0	0	0
Water & Sewer	2	3	1	4	77	88	0
Maint.	0	0	1	0	0	68	0
Other	0	2	2	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>12</b>	<b>18</b>	<b>6</b>	<b>77</b>	<b>220</b>	<b>26</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

**• Home Rule Boards and Commissions**

**Legislative or Fiscal Body Appointments made by Town Council**  
**Community Events Commission** (3) legislative appointments for 1 year.

Councilor Zemen moved the appointment of **Adam Nyiri**, 8952 Cottage Grove Avenue, Highland to the Community Events Commission. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Nyiri was appointed.

**Unfinished Business and General Orders:**

1. **Works Board Order No. 2011-27:** An Order of the Works Board Accepting the Bid of Walsh & Kelly, Incorporated for the Woodward Avenue Reconstruction Project Being the Lowest Responsive and Responsible Bid in the amount of Six Hundred Sixty-nine Thousand Six Hundred Seventy-nine Dollars and 84/100 Cents (\$669,679.84)

Councilor Vassar moved, seconded by Councilor Kuiper, the passage and adoption of Works Board Order No. 2011-27. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND**  
**Board of Works**  
**Order of the Works Board No. 2011-27**

**AN ORDER of the WORKS BOARD ACCEPTING THE BID of WALSH & KELLY, INCORPORATED for the WOODWARD AVENUE RECONSTRUCTION PROJECT BEING the LOWEST RESPONSIVE and RESPONSIBLE BID in the AMOUNT of SIX HUNDRED SIXTY-NINE THOUSAND SIX HUNDRED SEVENTY-NINE DOLLARS AND 84/100 CENTS (\$669,679.84)**

**Whereas**, The Town Council for the Town of Highland determined that a need exists to improve the 8700-8900 blocks of Woodward Avenue; and

**Whereas**, Garcia Consulting Engineers had prepared plans and specifications for the 8700-9800 blocks of Wildwood Avenue and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

**Whereas**, The following bids were received at 10:00 a.m. on August 2, 2011:

	Bidder	Base Bid
1.	Walsh & Kelly, Inc.	\$669,679.84
2.	Gatlin Plumbing & Heating, Inc	\$704,000.00
3.	Hasse Construction, Inc.	\$729,933.00
4.	Rex Construction Co., Inc.	\$742,352.25
5.	Gough, Inc.	\$798,316.25
6.	Rieth-Riley Construction, Inc..	\$812,525.08
7.	Grimmer Construction, Inc.	\$814,552.10

**Whereas**, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Walsh & Kelly, Incorporated in the amount of Six Hundred Sixty-nine Thousand Six Hundred Seventy-nine Dollars and 84/100 Cents (\$669,679.84) to be the lowest responsive and responsible bid.

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a construction contract to Walsh & Kelly, Incorporated for the Woodward Avenue Reconstruction Project.

**Now, Therefore, Be It Ordered**, by the Town Council of the Town of Highland, Indiana, acting as the Works Board as follows:

**Section 1.** That the bid of **Walsh & Kelly, Incorporated** for the Woodward Avenue Reconstruction Project in the amount of Six Hundred Sixty-nine Thousand Six Hundred Seventy-nine Dollars and 84/100 Cents (\$669,679.84) is hereby accepted as the lowest responsive and responsible bid;

**Section 2.** That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

**Be it so ordered.**

**Duly Adopted and Ordered** by the Highland Town Council, Lake County, Indiana, this 8<sup>th</sup> day of August 2011. Having been passed by a vote of 5 in favor and 0 opposed.

BOARD OF WORKS OF THE TOWN OF  
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Works Board Order No. 2011-28:** A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Woodward Avenue Reconstruction Project.

Councilor Zemen moved, seconded by Councilor Kuiper, the passage and adoption of Works Board Order No. 2011-28. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND  
ORDER OF THE WORK BOARD NO. 2011-28

**A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE WOODWARD AVENUE RECONSTRUCTION PROJECT**

**WHEREAS**, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

**WHEREAS**, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

**WHEREAS**, Pursuant to Order of the Works No. 2011-30, the Town Council confirmed Works Board Order No. 2010-23 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 8700-8900 block of Woodward Avenue (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

**WHEREAS**, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as **Exhibit A** (each, an "Assessment Roll"), has been prepared and filed with this Town Council.

**NOW, THEREFORE**, be it ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board as follows:

**Section 1.** That the Town Council hereby adopts and approves the Assessment Roll for the Improvements.

**Section 2.** That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at 7:00 p.m. on **August 22, 2011**, and the Town Council further authorizes and requests the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

**Be it so ordered**

**Duly Adopted and Ordered** by the Highland Town Council, Lake County, Indiana, acting as the Works Board, this 8<sup>th</sup> day of August 2011. Having been passed by a vote of 5 in favor and 0 opposed.

BOARD OF WORKS OF THE TOWN OF  
HIGHLAND, INDIANA

/s/ Brian Novak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Works Board Order No. 2011-29:** An Order Authorizing and Approving an Eleventh Change order to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45<sup>th</sup> Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18. *(Provides for a net reduction in the amount of \$354,825.68)*

Councilor Herak moved, seconded by Councilor Kuiper, the passage and adoption of Works Board Order No. 2011-29. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2011-29

AN ORDER AUTHORIZING and APPROVING AN ELEVENTH CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45<sup>TH</sup> AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

**Whereas,** In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

**Whereas,** First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed addendum to the original construction contract, to be known as the eleventh addendum; and

**Whereas,** Addendum eleven adds a net decrease in the amount of \$354,825.68 owing to the early repair of the bridge eliminating need for temporary road over it during construction; and

**Whereas,** There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

**Whereas,** The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Eleventh Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this Eleventh Addendum is hereby ordered to be known as **Change Order No. 11**, issued a net decrease in the amount of \$354,825.68 to the original agreement, therefore rendering the total value of the entire agreement with any and all change orders approved to date to four million, eight thousand, five hundred fifty-one dollars and sixteen cents (**\$4,008,551.16**) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

**Section 3.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8<sup>th</sup> day of August 2011 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL/WORKS BOARD  
of the TOWN of HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2011-30:** An Order Authorizing and Approving a Twelfth Change order to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45<sup>th</sup> Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18. *(Provides for a net reduction in the amount of \$98,672.55)*

Councilor Herak moved, seconded by Councilor Zemen, the passage and adoption of Works Board Order No. 2011-30. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2011-30

AN ORDER AUTHORIZING and APPROVING A TWELFTH CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45<sup>TH</sup> AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

**Whereas**, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

**Whereas**, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed addendum to the original construction contract, to be known as the twelfth addendum; and

**Whereas**, Addendum twelve adds a net decrease in the amount of \$98,672.55 owing quantity changes during construction; and

**Whereas**, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Twelfth Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this Twelfth Addendum is hereby ordered to be known as **Change Order No. 12**, issued a net decrease in the amount of \$98,672.55 to the original agreement, therefore rendering the total value of the entire agreement with any and all change orders approved to date to three million, nine hundred nine thousand, eight hundred seventy-eight dollars and sixty-one cents (**\$3,909,878.61**) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

**Section 3.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one

hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8<sup>th</sup> day of August 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL/WORKS BOARD  
of the TOWN of HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2011-31:** An Order Approving and Authorizing An agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the Woodward Avenue Reconstruction Project in the amount not-to-exceed \$46,275

Councilor Vassar moved, seconded by Councilor Kuiper, the passage and adoption of Works Board Order No. 2011-31. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2011-31**

**AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING ENGINEERS AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE WOODWARD AVENUE RECONSTRUCTION PROJECT IN THE AMOUNT NOT-TO-EXCEED \$46,275**

**Whereas,** The Town Council has heretofore determined that a need exists to reconstruct the 8700-8900 blocks of Woodward Avenue and has implemented the Woodward Avenue Reconstruction Project; and

**Whereas,** Garcia Consulting Engineers (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed Forty-six Thousand Two Hundred Seventy-five Dollars and 00/100 cents (\$46,275.00); and

**Whereas,** There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas,** The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland for the Woodward Avenue Reconstruction Project, is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Forty-six Thousand Two Hundred Seventy-five Dollars and 00/100 cents (\$46,275.00) is found to be reasonable and fair;

**Section 3.** That the Town of Highland, through its Town Council, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 4.** That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be it so ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8<sup>th</sup> day of August 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL/WORKS BOARD of  
the TOWN of HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. Action to authorize the proper officer to publish legal notice of a public hearing for proposed additional appropriations in excess of the 2011 Budget for the Major Moves Fund in the amount of \$79,553.32, Gaming Revenue Sharing Fund in the amount of \$150,000.00 and the General Improvement Fund, in the amount of \$44,000.00.

Councilor Herak moved, seconded by Councilor Kuiper, that the proper officer be authorized to public legal notice for the public hearing considering the proposed additional appropriations as described above. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The notice and hearing were authorized.

7. Action to approve pay for employee who is temporarily replacing another employee at a higher grade level, after thirty full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance.

*7.1 Kenneth J. Mika, Building Commissioner, requests that the Inspection Clerk, Susan Murovic, be paid at the rate of Inspection Secretary, who temporarily replaced the incumbent, Barb Mazur. The Inspection Secretary, began medical leave on December 13, 2010. Susan Murovic replaced B. Mazur on the date of the leave. Ms. Murovic marked her 30th day replacing the Secretary on January 11, 2011. The temporary assignment ended on January 24, upon Barb Mazur's return. The Inspection Clerk is authorized at an hourly rate of \$10 and the Inspection Secretary is authorized at an hourly rate of \$15.12. There are 64 hours tolled in the temporary assignment. The amount of the added rate is \$327.68.*

Councilor Kuiper moved to approve the pay for the employee as described. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher temporary replacement pay was approved.

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen acknowledged the Redevelopment Director, who reported that the revised Redevelopment Area and Plan for a Commerical Corridor was expected to be before the Town Council at its meeting of August 22; The Redevelopment Director also reported that a second "Pop-Up Gallery", an event in which art is displayed in vacant properties in town to encourage potential leasees, would be conducted on August 25, at the Homestead Plaza.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported that the Summer Musical, a Disney Revue, was being performed at the Main Square



Gazebo the next two weekends; The Parks and Recreation Superintendent reported that the former Lincoln Community Center was 40% razed.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak acknowledged Commander Georgeff, who offered a brief update on the status of the Opticom traffic control project.

Councilor Herak acknowledged the Public Works Director, who offered a brief report regarding project status for the Sanitary District and the Indiana Department of Transportation Project involving Reconstruction of US Highway 41, north of Ridge Road to the Little Calumet River. The Public Works Director also offered a brief update on the road resurfacing.

- **Councilor Dan Vassar:** • *Plan Commission, member.*

Councilor Vassar acknowledged the Building Commissioner who offered a brief survey of matters before the Plan Commission.

Councilor Vassar also encouraged persons to participate with Soccerpalooza August 13 at the Meadows, which is an event for special needs children.

Councilor Vassar also commended the Highland Youth Softball Association for hosting a recent 40 team tournament in Highland.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who reported on the Fire Department response to a recent traffic accident on Kennedy Avenue, near the Ridge Road Bridge; The Fire Chief also reported on a test of the diesel powered generator for use at the Lincoln Community Center to support operations when it may be used as a temporary shelter in the event of an emergency.

Councilor Kuiper commended the Public Works Director for the final work on the Cline Avenue Reconstruction Project, between Ridge Road and 45<sup>th</sup> Avenue.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Chairman, Board of Police Pension Trustees • Municipal Executive.*

Town Council President commended Leeann Kerber, a Master Gardner, who did the landscaping at 81<sup>st</sup> Street.

Town Council President invited the Fire Chief to report on the recent multiple municipality initiative, supported by a Homeland Security Grant, to purchase same fitting and adapters for hydrants in Munster, Dyer, Highland and Griffith. It was noted that the original estimate for the unit cost of the adapter was in excess of \$200 but bids produced a unit price of approximately \$85 each.

The Town Council President recognized the Building Commissioner, who offered a brief survey of matters before the ABZA.

#### **Comments from the Public or Visitors**

1. Richard Helfin, 2723 Ross Street, Highland, complained about the recent code enforcement action of the Code Enforcement Officer regarding Mr. Helfins, back yard "weeds." He further complained about the the salt application on his street during winter and the condition of his alley.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 26 , 2011 through to August 08, 2011. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the clerk-treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$307,607.05; Motor Vehicle Highway and Street (MVH) Fund, \$5,696.60; Local Road and Street (LRS) Fund, \$10,458.24; Law Enforcement Cont. Education and Supply Fund, \$11.56; Corporate Bond and Interest (Exempt) Fund, \$64,380.31; Corporate Bond and Interest Fund, \$113,994.63; Flexible Savings Agency (FSA) Fund, \$806.00; Insurance Premium Fund, \$133,782.91; Gasoline Agency Fund, \$18,501.59; Information and Communications Technology Fund, \$3,900.62; Special Events Non Reverting Fund, \$7,099.78; Rainy Day Fund, \$78,000.00; Police Pension 1925 Plan Fund, \$56,180.10; General Improvement Fund, \$12.00; Traffic and Law Violations Agency Fund, \$12,426.50; Safe Neighborhood Grant Fund, \$3,455.67; Sexual Predator Grant Fund, \$4,400.00; Corporation Capital Fund, \$67,684.36; Payroll Fund, \$5.47; Total: \$888,403.39.**

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, August 08, 2011 was adjourned at 7:40 O'clock p.m. There was no study session.

**Study Session.** The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, August 08, 2011 at 7:55 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper and Brian Novak were present. Councilor Mark A. Herak was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also Present:** Rhett L. Tauber, Town Attorney was also present.

#### **General Substance of Matters Discussed.**

1. The Town Attorney briefed the Town Council and the Clerk-Treasurer on the status of a recent filing by Scotsdale Insurance, the Town's Liability Insurance Underwriter, seeking a Declaratory Judgement by a Federal Court basically, limiting the underwriter's exposure or liability in association with a pending class action lawsuit against the Town and its Sanitary District owing to flooding and damage incurred in a profound rain event from September 2006.

The Town Attorney further briefed the Town Council and the Clerk-Treasurer that the Class Action Lawsuit has a mediation meeting scheduled and the importance of having the Town (Sanitary District) present at the meeting. The Town Attorney noted that research is needed to better apprehend the Town's exposure based in part on Scotsdale Insurance attempt to secure a court acknowledged limit to its liability for the incident, as well as the

exposure, if any, related to the class action lawsuit undertaken by the residents regarding damages associated with the 2006 Flood episode in September of that year. It was noted that the Board of Sanitary Commissioners should be briefed on the matter as well.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, August 8, 2011 was adjourned at 8:03 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer